



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 19 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mike Annacone
Vice President of Columbia Fuel Operations
Columbia Fuel Fabrication Facility
Westinghouse Electric Company LLC
5801 Bluff Road
Hopkins, South Carolina 29061

SUBJ: Request for Information
Westinghouse Electric Company LLC, EPA ID# SCD047559331

Dear Mr. Annacone:

On November 14 and 15, 2019, the U.S. Environmental Protection Agency, along with the South Carolina Department of Environmental of Health and Conservation, conducted a RCRA compliance evaluation inspection (CEI) at Westinghouse Electric Company LLC located in Hopkins, South Carolina to determine the facility's compliance status with the Resource Conservation and Recovery Act (RCRA) and South Carolina Hazardous Waste Management Act (SCHWMA), S.C. Code Ann. § 44-56-10 *et seq.* and applicable regulations.

Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, Westinghouse Electric Company LLC is hereby directed to respond, fully and truthfully, within thirty (30) calendar days of receipt of this letter, to the Information Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B). Compliance with this request for information is mandatory, and information provided by Westinghouse Electric Company LLC may be used by the EPA in future enforcement actions. Failure to respond fully and truthfully to each and every question or information request within thirty (30) calendar days of receipt of this letter, or to adequately justify such failure to respond, may result in further enforcement action against Westinghouse Electric Company LLC by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Your response to this request for information should be mailed to:


Larry L. Lamberth
Chief, Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth St., SW
Atlanta, Georgia 30303-8960

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Westinghouse Electric Company LLC may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a suitable notice employing language such as trade secret or proprietary or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the Public by the EPA without further notice to Westinghouse Electric Company LLC. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Westinghouse Electric Company LLC should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Should you have any questions on this matter, please contact Daryl R. Himes, of my staff, by phone at (404) 562-8614 or by email at himes.daryl@epa.gov.

Sincerely,


for Larry L. Lamberth
Chief, Chemical Safety and Land Enforcement
Branch
Resource Conservation Restoration Division

Enclosures

ENCLOSURE A

INFORMATION REQUEST INSTRUCTIONS

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request question, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to the Request, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, or proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

ENCLOSURE B

INFORMATION REQUEST DEFINITIONS:

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms AND and OR shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term DISPOSAL shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
3. The term DOCUMENT and DOCUMENTS shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory) including; (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term FACILITY shall mean Westinghouse Electric Company LLC located at 5801 Bluff Road, Hopkins, South Carolina.
5. The term GENERATION shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
6. The term HAZARDOUS SUBSTANCE means: (a) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of RCRA (but not including any waste the regulation of which under RCRA has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise

specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). HAZARDOUS SUBSTANCE shall include any mixtures of such hazardous substances with any other substances including petroleum products.

7. The term HAZARDOUS WASTE means a hazardous waste as defined in 40 C.F.R. § 261.3.
8. The term IDENTIFY means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term IDENTIFY means, with respect to a Company LLC, partnership, business trust or other associate of a business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., Company LLC, partnership, etc.), organization, if any, and a brief description of its business.
10. The term IDENTIFY means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The term PERSON includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, Company LLC, trust or other entity.
12. The term POLLUTANT or CONTAMINANT shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including a malfunction in reproduction) or physical deformation in such organisms or their offspring; except that the term POLLUTANT or CONTAMINANT shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of Definition 5 above, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). POLLUTANT or CONTAMINANT shall include any mixtures of such pollutant and contaminants with other substances, including petroleum products.
13. The term RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The term TRANSACTION or ARRANGEMENT shall mean every separate agreement, act, deal, instance or occurrence.
15. The term YOU or RESPONDENT shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C

INFORMATION REQUEST

Background for Request Numbers 1-8

The EPA Region 4 (EPA) conducted a compliance evaluation inspection (CEI) at Westinghouse Electric Company LLC located at 5801 Bluff Road, Hopkins, South Carolina on November 14 and 15, 2019 to determine the facility's compliance status with the RCRA. During the CEI the EPA was informed that the facility has been using a solvent extraction process which uses tributyl phosphate (TBP) and tetrachloroethylene to recover uranium. This process was identified by Westinghouse Electric Company LLC personnel and in documents provided to the EPA during the CEI as the SOLX I process. Westinghouse Electric Company LLC representatives informed the EPA that this operation been occurring at this location since 1969.

During the CEI, Westinghouse Electric Company LLC personnel stated the facility has placed materials from the SOLX 1 process, containing TBP and tetrachloroethylene, into 55-gallon containers being managed within sea/land containers at the facility. Also during the CEI, Westinghouse Electric Company LLC personnel stated that the facility has placed materials from the SOLX 1 process, containing TBP and tetrachloroethylene, into an onsite incinerator.

Request Number 1

Please list all materials generated from the SOLX I process from May 19, 1980 to present. For each material please identify if it is a solid waste. For each material that is not a solid waste, please indicate why it is not a solid waste. Please provide supporting information for the non-solid waste determination. For those materials that are determined to be a solid waste, please indicate if the solid waste has been determined to be a hazardous waste. Please provide supporting information pursuant to 40 CFR § 262.11 for each hazardous waste determination.

Request Number 2

Please provide copies of all chemical analyses performed on materials generated from the SOLX I process since March 29, 1990, which include tetrachloroethylene as one of the analytes.

Request Number 3

Please identify each sea/land container that currently has, or has in the past five years, managed materials containing TBP and tetrachloroethylene from the SOLX 1 process.

Request Number 4

For each sea/land container identified in Request Number 3, please provide a list of containers that has or had a material containing TBP and tetrachloroethylene from the Solex 1 process. Include the volume or mass of the material in each container. If that is unknown, include the volume of the container.

Request Number 5

Please provide copies of all records that document inspections of the sea/land containers identified in your response to Request Number 3. When possible, please include information that lists the date and time of the inspection, the condition of the sea/land containers, and the name of the person(s) performing the inspection. When possible, please include an inventory of the contents (number of containers, type of material, storage start date) of each sea/land container .

Request Number 6

Please provide the operating record, or other similar type information, that documents the volume/weight and date(s) upon which material containing TBP and tetrachloroethylene from the SOLX 1 process were placed into the facility's on-site incinerator from 2014 to present. Please include information about the location where the material was fed from for each instance (e.g. Tank 154, sea/land containers, etc.).

Request Number 7

Please provide copies of any and all analysis performed on any materials containing TBP and tetrachloroethylene from the SOLX 1 process, discussed above, which was placed, at any time, into drums within sea/land containers at the facility or into its hazardous waste incinerator.

Request Number 8

Purchase provide purchase records for any and all purchases of tetrachloroethylene made by the facility from 2014 to present.

Background for Request Number 9

On July 31, 2019 Westinghouse Electric Company LLC sent a letter to the South Carolina Department of Health and Environmental Compliance (SC DHEC) in response to a July 2, 2019 CEI report from SC DHEC. Footnote 7 on page 3 of the July 31, 2019 letter identifies water which had infiltrated two sea/land containers at the facility and discusses testing that was performed on containers within the sea/land containers.

Request Number 9

Please provide copies of any and all analysis performed on any materials within the two sea/land containers, or releases of materials from the two sea/land containers, referenced in the July 31, 2019 letter.

Background for Request Number 10

During discussions with facility personnel, including Eudene Cauley, indications were made that materials generated by the SOLX I process, which have previously been incinerated, may be sent to Energy Solutions in Clive, Utah for storage/treatment/disposal.

Request Number 10

Please submit any and all documents received from Energy Solutions which describe costs for sending materials generated by the facility's SOLX I process to Energy Solutions. Also, if any such shipments have already occurred, please submit any and all bills of lading and financial documents which state payments made to Energy Solutions by the facility.

Background for Request Numbers 11 – 28

During the November 14 and 15, 2019 CEI the EPA and Westinghouse Electric Company LLC discussed the operations of the facility's incinerator. Following are additional requests pertaining the facility's operation of the incinerator when materials from the SOLX 1 process are being fed to the incinerator.

Request Number 11

Please provide a detailed engineering description of the incinerator system, including the manufacturer's name and model number for the incinerator, type of incinerator, linear dimension of the incinerator unit, including cross sectional area of combustion chambers, a description of auxiliary fuel system (type/feed), capacity of the prime mover/induced draft fan, nozzle and burner design, and location and description of temperature, pressure, and flow indicating devices and control devices.

Request Number 12

Please state if the Lower Chamber I-941A and Upper Chamber I-941B of the incinerator (as defined at S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10]) are enclosed devices as described in that use controlled flame combustion. If they are enclosed devices, please provide supporting information.

Request Number 13

Please indicate or provide a document(s) that states the minimum combustion chamber temperature for each combustion chamber that best represents the bulk gas temperature in the combustion zone when materials from the SOLX 1 process are being fed to the incinerator.

Request Number 14

Please indicate or provide a document(s) that states the gas residence time within the incinerator when materials from the SOLX 1 process are being fed to the incinerator.

Request Number 15

Please indicate or provide documents that state the solids residence in the lower chamber, and explain whether the lower chamber is a continuous feed system or a batch feed system.

Request Number 16

Please indicate or provide documents that explains how solid materials traverse the lower chamber. Does the lower chamber rotate, or does the feed traverse the chamber via the ram.

Request Number 17

Please indicate or provide documents that state how fugitive emissions are controlled from both combustion chambers.

Request Number 18

Please indicate or provide documents that state whether both chambers are totally enclosed without seals from which fugitive emissions can escape.

Request Number 19

Please indicate or provide documents that state if either of the chambers are maintained at negative pressure to prevent fugitive emissions.

Request Number 20

Please indicate or provide documents that explain how the system is operated/designed to minimize the likelihood of positive pressure events occurring in the combustion chambers, including controlling feed rates and energy content of the wastes being fed.

Request Number 21

Please indicate or provide documents that state how residues from the lower chamber are managed, including whether they are managed as a hazardous waste.

Request Number 22

Please indicate or provide documents that characterizes stack emissions from the thermal treatment system. Include any and all stack sampling results, including stack sampling results for any of the regulated pollutants in 40 CFR Part 63 Subpart EEE for which there are emission limitations, including dioxin/furans, mercury, semivolatile metals (svm), low volatile metals (lvm), total chlorine, and particulate matter.

Request Number 23

Please indicate or provide documents that state the composition of the feed to the incinerator, including the composition of the waste the contributes to emissions that are regulated pursuant to EEE, including mercury, svms, lvms and total chlorine.

Request Number 24

Please indicate or provide documents that state the operating temperatures for the filter house.

Request Number 25

Please indicate or provide documents that state how this system is regulated pursuant to the Nuclear Regulatory Commission. Please identify applicable permits and/or regulatory requirements.

Request Number 26

Please indicate or provide a document(s) that state the heat value of the “solid waste feed” in the form and composition in which it will be burned when materials from the SOLX 1 process are being fed to the incinerator.

Request Number 27

Please indicate or provide a document(s) that states the type, if any, of any auxiliary fuels are burned in the incinerator when materials from the SOLX 1 process are being fed to the incinerator.

Request Number 28

Please indicate or provide a document(s) that states the stack gas volume, flow rate, and temperature when materials from the SOLX 1 process are being fed to the incinerator.

